



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

## REVIEWS AND CRITICISMS

the records, etc., the author arrives at the conclusion that on the first of December, 1910, when the last census was taken, there were among the 65 million inhabitants nearly four million persons who had violated the *Reichsgesetz* at least once. If the one million foreigners who live in the empire and the 7½ million children under 12 years of age be excepted, we find that in general about one person out of 12, and in particular one man out of 6, one woman out of 25, one boy out of 43, and one girl out of 213 (these latter between 12 and 18 years old) have violated the law. This result agrees very well with similar statistics from smaller localities, as Berlin, Görlitz, and Bavaria. Many tables, charts, and diagrams are presented to illustrate certain details as to the frequency of the various offenses, their relation to the sex, age, and occupation of the offenders, the number and nature of the penalties, the influence of the seasons on the course of crime, and the statistics of the military and revenue delicts.

Among the conclusions which the author draws from his material we mention the following. The fact that a person has once come in conflict with the law should not, as it now usually happens, determine his social value and standing, because nobody is faultless. The offender is not, as some criminologists would have us believe, the abnormal member of society, for to err is human. Civilization cannot be advanced by increasing the number of laws and expanding their realms of application, but by positive social reforms and by levying penalties sparingly, especially in cases of first and light offenses.

The author adds also a number of recommendations for improving the present methods of gathering criminal statistics.

L. R. GEISSLER.

University of Georgia.

---

### ESSAI SUR LA REHABILITATION: DROIT COMMERCIAL ET DROIT PENAL.

A Doctoral Thesis presented to the Faculty of Law of the University of Geneva. By *Paul Logoz*, Licencié en droit, Avocat. Geneva, Imprimerie J. Studer, 1911. P. 386 + XIX.

The disconcerting query which Sir Thomas More propounded to the omniscient Doctor of Bourges—whether cattle taken in withernam were repleviable—introduced a topic scarcely more foreign to the Continental jurist than would be most of the questions dealt with by Dr. Logoz, to the English or American lawyer of the present day. That criminal bankruptcy (“banqueroute”) should be attended by deprivation of citizenship rights, in virtue of its status as a criminal offense, is of course to be expected. But it is somewhat difficult to adjust ourselves to the notion that non-criminal bankruptcy (“faillite”) likewise entails a “diminutio capitinis” of more or less severity. In France, for instance, the bankrupt cannot vote at national or municipal elections; his political disability is complete. Among his civic disabilities, he cannot serve as a juror, nor act as witness to a notarial instrument, and is debarred from holding any place of public employment. Of his commercial disabilities, the most important is his exclusion from the Bourse (pp. 18-26). Similar incapacities affect him in Germany, but here, for the

## REVIEWS AND CRITICISMS

most part, they cease with the termination of the bankruptcy proceedings (pp. 30-35, 128).

The present essay is a study of the bankrupt's restoration to the lost or suspended rights. Dr. Logoz's aim, as set forth, in his preface is to do for commercial rehabilitation what Dr. Delaquis in his "Rehabilitation in Strafrecht" has done for penal rehabilitation. In Part II, after detailing the various incapacities affecting the bankrupt in France and Germany, the author outlines the legislative history of his subject in both countries. The positive law of Germany of the present day (except in Alsace-Lorraine) does not concern itself with commercial rehabilitation, because of the temporary character of the bankrupt's disabilities in that country, but the institution was present in the Prussian "Konkursordnung" of 1855, and attempts have been made to render necessary its existence in the imperial law—first in the preliminary draft of the "Gemeinschuldordnung" of 1873 and later by Herr Rintelen in 1893 and 1898 (p. 128 *et seq.*) Part II is devoted to a discussion of the theory of the institution, inclusive of its related procedure, from the standpoint of comparative law. A curious diversity of legislation exists as to the prerequisites of rehabilitation. Although payment by the bankrupt of all his debts in full is everywhere a means of obtaining this relief, in a few countries only (among those being Egypt, Belgium and Costa Rica) is it insisted upon. In some states rehabilitation may be had by payment of dividends under a composition agreement; in a smaller number, by judicial approval ("homologation") of a composition agreement; in others again, by a release of debts on the part of the creditors; while France, Argentina, and two of the Swiss cantons permit the bankrupt's disabilities to be removed by mere lapse of time (p. 176 *et seq.*).

The author strongly urges the identity of commercial rehabilitation with that of the penal law. Both he thinks should be regarded as a matter of right and not of grace; both should be admissible post mortem; and both should be regarded as cancelling the judicial proceedings which render them necessary.

Dr. Logoz has succeeded in bringing within a convenient compass the learning of an exceedingly intricate and technical topic. Not the least valuable is the comprehensive bibliography which is appended. The book can hardly fail to earn the thanks of Continental lawyers.

Alien as is the direct subject-matter to our own legal system, the essay is bound to impress on the reader the scientific way in which restoration to lost or suspended rights is treated on the Continent, in contradistinction to our own slipshod methods in that regard. Soo too, the author's references to the "casier judiciaire" (the record kept in the "arrondissement" of an individual's birth place showing what Garraud calls his "judicial biography") remind us that there is room in our institutions for some means whereby a complete history of the offender's previous criminal career can be expeditiously procured when the need arises.

Chicago.

ROBERT W. MILLAR.